IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 19758 of 2004

Between:

Venkatesh Tamlurkar, S/o. T. Balaram,
R/o. 8-3-224/8/B/16(E-26) Madhuranagar, Beside Vengal Rao Nagar, Hyderabad - 500 038

..... PETITIONER

AND

1 The Assistant Director, Survey & Land Records,
Ranga Reddy District.
2 The Mandal Revenue Officer, Ghatkesar Mandal,
Ranga Reddy District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in not considering the application made by the Petitioner dt. 16-09-2004 for demarcation of the lands as arbitrary, illegal and violative of Article 14 and 21 of Constitution of India, consequently direct the 1st and 2nd Respondents to demarcate and fix boundaries in so far as Ac.2-20 guntas situated in Sy.No.79/A and 80 of Peerzadiguda Village, Ghatkesar Mandal, Ranga Reddy District.

Counsel for the Petitioner: MR.A.NARASIMHA REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following Order:

This writ petition is filed seeking a declaration that the alleged inaction on the part of the respondents in considering the request made by the petitioner for demarcation of Ac.2.20 guntas of land, situated in Survey No.79/A and 80 of Peerzadiguda Village, Ghatkesar Mandal, Ranga Reddy District, as arbitrary and illegal.

The petitioner states that he is the absolute owner of the land in question having purchased the same under sale deeds dated 29-11-1993. Thereafter, on the request made by the petitioner, the second respondent-Mandal Revenue Officer, Ghatkesar Mandal, Ranga Reddy District by order dated 01-09-1998 regularised the said sale deeds and consequently the petitioner was also issued pattedar pass books. He states that his name was also incorporated in the relevant records as pattedar. However, since he is not in a position to locate the said land, he made an application before the first respondent-Assistant Director, Survey & Land Records, Ranga Reddy District seeking demarcation of the land covered by the sale deeds and requisite fee was also paid for demarcation. The grievance of the petitioner is that so far, the first respondent has not taken any steps as sought by him in the application dated 16-09-2004. Hence, this writ petition.

Learned counsel for the petitioner submits that under Section 9 of the Andhra Pradesh Survey and Boundaries Act 1923 (for short 'the Act'), the Survey Officer is competent to determine and record as 'undisputed' any boundary in respect of which no dispute is brought to his notice. Under Sub-Section 2 of Section 9 of the Act, notice of every decision of the Survey Officer under Section 9(1) shall be given, in

the prescribed manner, to the registered holders of the lands, the boundaries of which may be affected by the decision.

In the light of the said statutory provision, learned counsel for the petitioner submits that there is absolutely no justifiable reason on the part of the first respondent in not considering his request for demarcation of the land in question.

Having regard to the facts and circumstances, the writ petition is disposed of with a direction to the first respondent to consider the application of the petitioner dated 16-09-2004 and to pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of this order. No costs.

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01-11-2004

Note: Issue C.C. by three days.

(B/o)

kdl

To

1 The Assistant Director, Survey & Land Records,
Ranga Reddy District.
2 The Mandal Revenue Officer, Ghatkesar Mandal,
Ranga Reddy District.

3 Two C.Cs. to the Government Pleader for Revenue, High Court Buildings, A.P., Hyderabad, (OUT).

4 Two C.D. Copies.